

Calendar No. 522

105TH CONGRESS
2^D SESSION

S. 2094

[Report No. 105–285]

To amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

IN THE SENATE OF THE UNITED STATES

MAY 20, 1998

Mr. ALLARD (for himself and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 31, 1998

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fish and Wildlife Rev-
3 enue Enhancement Act of 1998”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the United States Fish and Wildlife Service
7 (referred to in this Act as the “Service”)—

8 (A) is responsible for storage and disposal
9 of items derived from fish, wildlife, and plants,
10 including eagles and eagle parts, and other
11 items that have become the property of the
12 United States through abandonment or forfeit-
13 ure under applicable laws relating to fish, wild-
14 life, or plants;

15 (B) distributes many of those items for
16 educational and scientific uses and for religious
17 purposes of Native Americans; and

18 (C) unless otherwise prohibited by law,
19 may dispose of some of those items by sale, ex-
20 cept items derived from endangered or threat-
21 ened species, marine mammals, and migratory
22 birds;

23 (2) under law in effect on the date of enact-
24 ment of this Act, the revenue from sale of aban-
25 doned items is not available to the Service, although

1 approximately 90 percent of the items in possession
 2 of the Service have been abandoned; and

3 (3) making revenue from the sale of abandoned
 4 items available to the Service will enable the Serv-
 5 ice—

6 (A) to cover costs incurred in shipping,
 7 storing, and disposing of items derived from
 8 fish, wildlife, and plants; and

9 (B) to make more extensive distributions
 10 of those items for educational, scientific, and
 11 Native American religious purposes.

12 (b) PURPOSES.—The purposes of this Act are to
 13 make proceeds from sales of abandoned items derived
 14 from fish, wildlife, and plants available to the Service and
 15 to authorize the use of those proceeds to cover costs in-
 16 curred in shipping, storing, and disposing of those items.

17 **SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.**

18 Section 3(c) of the Fish and Wildlife Improvement
 19 Act of 1978 (16 U.S.C. 742l(c)) is amended—

20 (1) by striking “Notwithstanding” and insert-
 21 ing the following:

22 “(1) IN GENERAL.—~~Notwithstanding~~ *Subject to*
 23 *paragraph (2), notwithstanding*”; and

24 (2) by adding at the end the following:

1 “(2) *PROHIBITION ON SALE OF CERTAIN*
 2 *ITEMS.—In carrying out paragraph (1), the Secretary*
 3 *of the Interior and the Secretary of Commerce may*
 4 *not sell any species of fish, wildlife, or plants, or de-*
 5 *ivative thereof, for which the sale is prohibited by*
 6 *another Federal law.”.*

7 “~~(2)~~ (3) *USE OF REVENUES.—*The Secretary of
 8 the Interior and the Secretary of Commerce may
 9 each expend any revenues received from the disposal
 10 of items under paragraph (1), and all sums referred
 11 to in the first sentence of section 11(d) of the En-
 12 dangered Species Act of 1973 (16 U.S.C. 1540(d))
 13 and the first sentence of section 6(d) of the Lacey
 14 Act Amendments of 1981 (16 U.S.C. 3375(d))—

15 “(A) to make payments in accordance with
 16 those sections; and

17 “(B) to pay costs associated with—

18 “(i) shipping items referred to in
 19 paragraph (1) to and from the place of
 20 storage, sale, or temporary or final dis-
 21 posal, including temporary or permanent
 22 loan;

23 “(ii) storage of the items, including
 24 inventory of, and security for, the items;

25 “(iii) appraisal of the items;

1 “(iv) sale or other disposal of the
2 items in accordance with applicable law, in-
3 cluding auctioneer commissions and related
4 expenses;

5 “(v) payment of any valid liens or
6 other encumbrances on the items and pay-
7 ment for other measures required to clear
8 title to the items; and

9 “(vi) in the case of the Secretary of
10 the Interior only, processing and shipping
11 of eagles and other migratory birds, and
12 parts of migratory birds, for Native Amer-
13 ican religious purposes.”.

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